

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NORTH CAROLINA
WESTERN DIVISION

No. 5:08-HC-2108-BO

FILED
IN OPEN COURT
OCT 13 2011
DE
DENNIS P. IAVARONE, CLERK
US DISTRICT COURT, EDNC
BY KL DEP CLK

UNITED STATES OF AMERICA)	
)	
Petitioner,)	
)	
v.)	SETTLEMENT AGREEMENT
)	
PAUL N. ALDRICH,)	
)	
Respondent.)	

Petitioner, the United States of America, by and through the United States Attorney for the Eastern District of North Carolina, and the Respondent, Paul N. Aldrich, by and through his counsel of record, Mark R. Sigmon, have agreed that this matter should be concluded in accordance with terms and conditions of this agreement, as follows:

1. This agreement constitutes the full and complete record of the agreement in this matter. There are no other terms of this agreement in addition to or different from the terms contained herein.

2. Respondent admits and stipulates that the United States lawfully certified the Respondent as a sexually dangerous person under the Adam Walsh Act, as codified in 18 U.S.C. § 4248, pursuant to procedures established in 18 U.S.C. § 4248(a), that

said statute was upheld as constitutional in United States v. Comstock, 130 S.Ct. 1949 (2010), and that based upon the above established procedures, his release from imprisonment was thereby stayed on July 24, 2008.

3. Respondent admits and stipulates that the criminal judgment against him in the matter of United States of America v. Paul N. Aldrich, in the United States District Court for the Northern District of New York, Docket No. 1:06-CR-000287-GLS, on April 24, 2007, imposed upon him a three (3) year term of supervised release and that the judgment ordered that the term of supervised release was to be served "upon release from imprisonment." [Criminal Docket Entry 17]. The Respondent admits and stipulates that, by the operation of law defined by 18 U.S.C. § 4248, his "release" from imprisonment was "stayed," and that, consequently, his term of supervised release has not commenced. See e.g. David H. Tobey v. United States, Civil Action No. DKC 10-1358, Docket Entry 35 (Chasanow, Judge) (D. Md.); United States v. Marvin Vigil, Criminal No. 1:99-CR-509-LH (Hansen, Judge).

4. The Respondent agrees and promises that, in consideration of the government's agreement to voluntarily dismiss this action with prejudice, he will not collaterally attack the order of supervised release contained in the criminal judgment against him.

5. The Respondent agrees and promises that, in consideration of the government's agreement to voluntarily dismiss this action with prejudice, he will dismiss with prejudice the Bivens action that he filed on January 31, 2011 in the United States District Court for the Eastern District of North Carolina, No. 5:11-ct-03016-BO.

6. The Petitioner agrees and promises that, in consideration of the Respondent's admissions and stipulations set out in Paragraphs 2 through 3 above and the Respondent's agreements and promises in Paragraphs 4 through 5 above, the United States will file a motion pursuant to Fed. R. Civ. P. 41, asking the Court to dismiss this action with prejudice and to lift the stay on the Respondent's release from imprisonment.


7. The Petitioner and the Respondent jointly request that the Court conduct a hearing to inquire of counsel for the United States, the Respondent, and the Respondent's counsel whether each of them personally affirms in open court that the terms and conditions of this settlement agreement have been entered and undertaken knowingly and voluntarily after having had adequate opportunity to seek counsel.

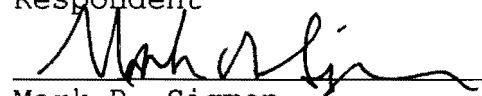
Respectfully submitted, this the 14th day of October, 2011.

THOMAS G. WALKER
UNITED STATES ATTORNEY


BY:


Joshua B. Royster
Assistant U.S. Attorney


Paul N. Aldrich
Respondent


Mark R. Sigmon
Attorney for Respondent

APPROVED, this 13 day of October, 2011.


Terrence W. Boyle
United States District Judge